

Introduced by Senator Karnette

February 19, 1999

An act to amend Section 457.1 of the Penal Code, relating to arson.

LEGISLATIVE COUNSEL'S DIGEST

SB 555, as introduced, Karnette. Arson: registration.

Existing law requires a convicted arsonist, as specified, to register with certain local officials where he or she resides and makes it a misdemeanor to fail to register.

This bill would, in addition, subject persons convicted of aggravated arson to the provisions described above. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 457.1 of the Penal Code is
2 amended to read:
3 457.1. (a) As used in this section, "arson" means a
4 violation of Section 451, 451.5, or 453.



1 (b) Upon a conviction of the offense of arson or
2 attempted arson, or upon the discharge or parole of any
3 person from the Department of the Youth Authority for
4 the commission of the offense of arson or attempted
5 arson, the court shall impose, in addition to any other
6 penalty prescribed by law, a requirement that the person
7 shall register with the chief of police of the city in which
8 he or she resides, or with the sheriff of the county if he or
9 she resides in an unincorporated area, and with the chief
10 of police of the campus of the University of California or
11 the California State University where the person is
12 domiciled, if he or she is domiciled on campus or in any
13 campus facility, within 30 days of coming into any county
14 or city in which he or she expects to reside or is
15 temporarily domiciled for at least 30 days. The law
16 enforcement agencies shall make registration
17 information available to the chief fire official of a legally
18 organized fire department or fire protection district
19 having local jurisdiction where the person resides.

20 (c) Any person required to register pursuant to this
21 section who is discharged or paroled from a jail, prison,
22 school, road camp, or other penal institution, or from the
23 Department of the Youth Authority where he or she was
24 confined because of the commission or attempted
25 commission of arson, shall, prior to the discharge, parole,
26 or release, be informed of his or her duty to register under
27 this section by the official in charge of the place of
28 confinement. The official shall require the person to read
29 and sign the form as may be required by the Department
30 of Justice, stating that the duty of the person to register
31 under this section has been explained to him or her. The
32 official in charge of the place of confinement shall obtain
33 the address where the person expects to reside upon his
34 or her discharge, parole, or release and shall report the
35 address to the Department of Justice. The official in
36 charge of the place of confinement shall give one copy of
37 the form to the person, and shall, not later than 45 days
38 prior to the scheduled release of the person, send one
39 copy to the appropriate law enforcement agency having
40 local jurisdiction where the person expects to reside upon

1 his or her discharge, parole, or release; one copy to the
2 prosecuting agency that prosecuted the person; one copy
3 to the chief fire official of a legally organized fire
4 department or fire protection district having local
5 jurisdiction where the person expects to reside upon his
6 or her discharge, parole, or release; and one copy to the
7 Department of Justice. The official in charge of the place
8 of confinement shall retain one copy. All forms shall be
9 transmitted in time so as to be received by the local law
10 enforcement agency and prosecuting agency 30 days
11 prior to the discharge, parole, or release of the person.

12 (d) The duty to register under this section for offenses
13 adjudicated by a juvenile court shall cease 10 years after
14 the adjudication of the offense for which the registration
15 was required.

16 (e) All records relating specifically to the registration
17 in the custody of the Department of Justice, law
18 enforcement agencies, and other agencies or public
19 officials shall be destroyed when the person required to
20 register under this subdivision for offenses adjudicated by
21 a juvenile court attains the age of 25 years or has his or her
22 records sealed under the procedures set forth in Section
23 781 of the Welfare and Institutions Code, whichever
24 event occurs first. This subdivision shall not be construed
25 to require the destruction of other criminal offender or
26 juvenile records relating to the case that are maintained
27 by the Department of Justice, law enforcement agencies,
28 the juvenile court, or other agencies and public officials
29 unless ordered by the court under Section 781 of the
30 Welfare and Institutions Code.

31 (f) Any person who is required to register pursuant to
32 this section who is released on probation or discharged
33 upon payment of a fine shall, prior to the release or
34 discharge, be informed of his or her duty to register under
35 this section by the court in which he or she has been
36 convicted, and the court shall require the person to read
37 and sign the form as may be required by the Department
38 of Justice, stating that the duty of the person to register
39 under this section has been explained to him or her. The
40 court shall obtain the address where the person expects

1 to reside upon his or her release or discharge and shall
2 report within three days the address to the Department
3 of Justice. The court shall give one copy of the form to the
4 person, and shall send two copies to the Department of
5 Justice, which, in turn, shall forward one copy to the
6 appropriate law enforcement agency having local
7 jurisdiction where the person expects to reside upon his
8 or her discharge, parole, or release.

9 (g) The registration shall consist of (1) a statement in
10 writing signed by the person, giving the information as
11 may be required by the Department of Justice, and (2)
12 the fingerprints and photograph of the person. Within
13 three days thereafter, the registering law enforcement
14 agency shall forward the statement, fingerprints, and
15 photograph to the Department of Justice.

16 (h) If any person required to register by this section
17 changes his or her residence address, he or she shall
18 inform, in writing within 10 days, the law enforcement
19 agency with whom he or she last registered of his or her
20 new address. The law enforcement agency shall, within
21 three days after receipt of the information, forward it to
22 the Department of Justice. The Department of Justice
23 shall forward appropriate registration data to the law
24 enforcement agency having local jurisdiction of the new
25 place of residence.

26 (i) Any person required to register under this section
27 who violates any of the provisions thereof is guilty of a
28 misdemeanor. Any person who has been convicted of
29 arson or attempted arson and who is required to register
30 under this section who willfully violates any of the
31 provisions thereof is guilty of a misdemeanor and shall be
32 sentenced to serve a term of not less than 90 days nor
33 more than one year in a county jail. In no event does the
34 court have the power to absolve a person who willfully
35 violates this section from the obligation of spending at
36 least 90 days of confinement in a county jail and of
37 completing probation of at least one year.

38 (j) Whenever any person is released on parole or
39 probation and is required to register under this section
40 but fails to do so within the time prescribed, the Board of



1 Prison Terms, the Department of the Youth Authority, or
2 the court, as the case may be, shall order the parole or
3 probation of that person revoked.

4 (k) The statements, photographs, and fingerprints
5 required by this section shall not be open to inspection by
6 the public or by any person other than a regularly
7 employed peace officer or other law enforcement officer.

8 (l) In any case in which a person who would be
9 required to register pursuant to this section is to be
10 temporarily sent outside the institution where he or she
11 is confined on any assignment within a city or county,
12 including, but not limited to, firefighting or disaster
13 control, the local law enforcement agency having
14 jurisdiction over the place or places where that
15 assignment shall occur shall be notified within a
16 reasonable time prior to removal from the institution.
17 This subdivision shall not apply to any person temporarily
18 released under guard from the institution where he or she
19 is confined.

20 (m) Nothing in this section shall be construed to
21 conflict with Section 1203.4 concerning termination of
22 probation and release from penalties and disabilities of
23 probation.

24 A person required to register under this section may
25 initiate a proceeding under Chapter 3.5 (commencing
26 with Section 4852.01) of Title 6 of Part 3 and, upon
27 obtaining a certificate of rehabilitation, shall be relieved
28 of any further duty to register under this section. This
29 certificate shall not relieve the petitioner of the duty to
30 register under this section for any offense subject to this
31 section of which he or she is convicted in the future.

32 SEC. 2. No reimbursement is required by this act
33 pursuant to Section 6 of Article XIII B of the California
34 Constitution because the only costs that may be incurred
35 by a local agency or school district will be incurred
36 because this act creates a new crime or infraction,
37 eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition

- 1 of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

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